

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE	)	
GAS AND ELECTRIC COMPANY FOR AN	)	CASE NO.
ADJUSTMENT OF ITS ELECTRIC AND GAS	)	2016-00371
RATES AND FOR CERTIFICATES OF PUBLIC	)	
CONVENIENCE AND NECESSITY	)	

ORDER

This matter is before the Commission upon the motion of Amy Waters and Sierra Club (jointly, "Movants") requesting intervention in this proceeding. In support of their motion, Movants state that they have special interests in rate adjustments and infrastructure projects related to advanced metering and distribution automation proposed by Louisville Gas and Electric Company ("LG&E") in this proceeding. Ms. Waters indicates that she is a residential customer of LG&E and a member of the Sierra Club. Movants assert that their interests in this proceeding are to ensure that energy efficiency, conservation, and distributed generation are advanced by LG&E's rate designs, resource planning, and expenditures. In particular, Movants contend that their special interests are implicated in this matter because LG&E's proposed rate design would not incentivize conservation and energy-efficient behaviors, but rather would make customers less financially able to invest in energy-saving products or distributed generation. Movants also contend that their special interests in this matter are not otherwise adequately represented by any other party in this proceeding because no other party has either the expertise or the inclination to appropriately present and

defend such interests. Lastly, Movants assert that their intervention will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceedings.

On December 29, 2016, LG&E filed a response objecting to Movants' request to intervene. LG&E contends that Movants' motion fails to demonstrate a special interest in this proceeding because the stated interests are either not within the Commission's jurisdiction or are adequately represented by other parties and further fails to show that Movants will identify any relevant issues or develop relevant facts that will assist the Commission in the resolution of this matter without unduly complicating and disrupting the proceeding. LG&E contends that Movants' stated special interests are no different from those of any other LG&E residential customer and that those special interests are adequately represented by the Attorney General of the Commonwealth of Kentucky, Metropolitan Housing Coalition, or the Association of Community Ministries, all of whom are intervenors in this matter. LG&E argues that Movants' special interest in distributed generation is not one that falls within the Commission's jurisdiction over rates and services of a utility because distributed generation consists of measures taken by individual customers and not by LG&E.

On January 3, 2017, Movants filed a reply in support of their motion to intervene. Movants point out that the Commission granted Movants' intervention request in LG&E's last rate case, Case No. 2014-00372,<sup>1</sup> over the same objections that are being raised by LG&E in the instant matter. Movants contend that LG&E has failed to provide any new reasons why the Commission's prior decision should not apply in this instance.

---

<sup>1</sup> Case No. 2014-00372, *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric Rates* (Ky. PSC Jan. 13, 2015).

Movants reiterate their special interests in ensuring that the rate structures, and any capital expenditure projects proposed by LG&E, advance the important objectives of promoting individual as well as systemic efficiencies, energy conservation, and distributed generation. Movants note that the furtherance of those objectives reduces costs for customers as well as utilities, as expenses are avoided for energy production and transmission. Movants further maintain that they have deep expertise and experience before this and other commissions regarding examining cost-of-service studies, evaluating the implications on costs and efficiency of structuring rates so that customers pay more simply to be a customer and less for actually using energy, and assessing best practices for deploying smart grid technologies.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that Movants possess special knowledge and expertise in multiple areas, including rate design and its impact on energy efficiency and energy conservation, as well as evaluation of capital spending related to smart grid technologies. Such issues are all within the scope of the Commission's jurisdiction over rates and services. Accordingly, because Movants are likely to present issues and develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings, the Commission finds that the request for intervention should be granted.

IT IS HEREBY ORDERED that:

1. The motion of Amy Waters and the Sierra Club to intervene is granted.
2. Amy Waters and the Sierra Club shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony,

exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

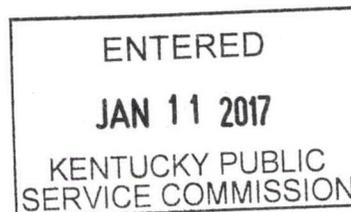
3. Amy Waters and the Sierra Club shall adhere to the procedural schedule set forth in the Commission's December 13, 2016 Order.

4. Amy Waters and the Sierra Club shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Amy Waters and the Sierra Club shall file a written statement with the Commission that:

- a. Certifies that they, or their agent, possesses the facilities to receive electronic transmissions; and
- b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Jalina R. Mathews". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

\*Honorable Allyson K Sturgeon  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Don C A Parker  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*William May  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Emily W Medlyn  
General Attorney  
U.S. Army Legal Services Agency Regul  
9275 Gunston Road  
Fort Belvoir, VIRGINIA 22060

\*Janice Theriot  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Barry Alan Naum  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Eileen Ordovery  
Legal Aid Society  
416 West Muhammad Ali Boulevard  
Suite 300  
Louisville, KENTUCKY 40202

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Carrie M Harris  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Thomas J FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Joe F Childers  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

\*Gregory T Dutton  
Goldberg Simpson LLC  
9301 Dayflower Street  
Louisville, KENTUCKY 40059

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Carrie A Ross  
Sheppard Mullin Richter & Hampton LLP  
1300 I Street NW  
11th Floor East  
Washington, DISTRICT OF COLUMBIA 20005

\*Gardner F Gillespie  
Sheppard Mullin Richter & Hampton LLP  
1300 I Street NW  
11th Floor East  
Washington, DISTRICT OF COLUMBIA 20005

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Cheryl Winn  
Waters Law Group, PLLC  
12802 Townepark Way, Suite 200  
Louisville, KENTUCKY 40243

\*G. Houston Parrish  
Labor Law Attorney  
Office of the Staff Judge Advocate, B  
50 3rd Avenue  
Fort Knox, KENTUCKY 40121

\*Honorable Lisa Kilkelly  
Attorney at Law  
Legal Aid Society  
416 West Muhammad Ali Boulevard  
Suite 300  
Louisville, KENTUCKY 40202

\*Laurence J Zielke  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Robert Conroy  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Michael J O'Connell  
Jefferson County Attorney  
Brandeis Hall of Justice  
600 West Jefferson St., Suite 2086  
Louisville, KENTUCKY 40202

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Paul Werner  
Sheppard Mullin Richter & Hampton LLP  
1300 I Street NW  
11th Floor East  
Washington, DISTRICT OF COLUMBIA 20005

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Honorable Robert C Moore  
Attorney At Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634